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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-----------------------------------|
| 10/801,320 | 03/16/2004 | Richard Linsmeier | 070274-0001 | 1997 |
| 20572 | 7590 | 12/28/2004 | | |
| GODFREY & KAHN S.C. 780 NORTH WATER STREET MILWAUKEE, WI 53202 | | | | EXAMINER PECHHOLD, ALEXANDRA K |
| | | | | ART UNIT 3671 PAPER NUMBER |

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/801,320 | LINSMEIER, RICHARD | |
| | Examiner Alexandra K Pechhold | Art Unit 3671 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 March 2004.
- 2a) This action is FINAL.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 10-19 and 21 is/are allowed.
- 6) Claim(s) 1, 2, 6, and 20 is/are rejected.
- 7) Claim(s) 3-5 and 7-9 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date filed 10/25/04.
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 2, 6, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over (DE 19705426) in view of “Dowdy’s Sales & Service Rotary Conditioner”, hereinafter referred to as “Dowdy’s” (from www.dowdys.com/Tiller.htm website, which states “Last Modified: November 28, 2002”).**

Regarding claim 1, Hofmann discloses an apparatus for grooming the bedding material in a stall, comprising:

- a boom, seen as support arm (6), for connection to a vehicle (see abstract), the support arm (6) having a proximal end (closer to vehicle) and distal end (closer to wheel 8)
- a rotary arm, seen as (10), rotatably attached to the distal end of the boom, the arm (10) having a lower surface with a plurality of grooming members attached to the lower surface, seen as scrapers (14), and Fig. 1 appears to illustrated the plane in which the arm (10) rotates as a 1-15 degree angle with respect to the surface on which the vehicle is resting.

Hofmann fails to disclose a motor for selectively rotating the rotary arm. Dowdy's teaches rotary conditioners rotated by motors. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the arm (10) of Hofmann to be rotated with a motor as taught by Dowdy's, since rotating member is agricultural equipment are usually driven by motors as in Dowdy's machinery.

Regarding claim 2, an adaptor assembly can be seen as (7), which rotatably connects the boom (6) to the vehicle; and a curb guide attached to the boom can be seen as the wheel in Fig. 1.

Regarding claim 6, Hofmann discloses an agricultural vehicle or mobile implement-holder in the abstract.

Regarding claim 20, Hofmann discloses a rotary arm having a boom, seen as support arm (6) comprising an elongated member, seen as (10), which has a plurality of grooming members, seen as scrapers (14), attached at spaced intervals along a single side of the arm (10) (since both scrapers 14 in Fig. 2 are on one side of the supports 11). Hofmann fails to disclose a motor for selectively rotating the rotary arm. Dowdy's teaches rotary conditioners rotated by motors. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the arm (10) of Hofmann to be rotated with a motor as taught by Dowdy's, since rotating member is agricultural equipment are usually driven by motors as in Dowdy's machinery.

Allowable Subject Matter

3. Claims 3-5 and 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 10-19 and 21 are allowed.

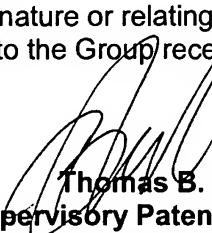
Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (703) 305-0870. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (703)308-3870. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.


Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
12/22/04